


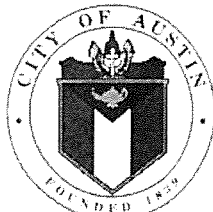


-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

CASE#: C15-2015-0095  
Address: 1608 W 10TH ST



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1 " = 200 '

Special Exception

~~TAX#~~ C15-2015-0095

CITY OF AUSTIN APPLICATION TO BOARD  
OF ADJUSTMENT GENERAL  
VARIANCE/PARKING VARIANCE

ROW 11367655 K2  
TAX 0111030120

**WARNING:** Filing of this appeal stops all affected construction activity.

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.**

STREET ADDRESS: 1608 w 10<sup>th</sup> st

LEGAL DESCRIPTION: Subdivision – **ABS 697 SUR 7 SPEAR G W** Lot(s)  
15 Block 15 Division I, Kris Hooker on behalf of myself as authorized agent  
for Kris Hooker and Susana Gomez

I affirm that on May 25th, 2015, hereby apply for a hearing before the  
Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development  
Code you are seeking a variance from)

       ERECT        ATTACH        COMPLETE        REMODEL X MAINTAIN

Our existing carport within setbacks as a special exception in a SF3 NP district. (zoning  
district) <sup>front, side</sup> + garage in side setback (west) and  
elevated deck in east side setback.

**NOTE:** The Board must determine the existence of, sufficiency of and weight of evidence  
supporting the findings described below. Therefore, you must complete each of the applicable  
Findings Statements as part of your application. Failure to do so may result in your application  
being rejected as incomplete. Please attach any additional support documents.

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

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**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Existing carport is within the front and side setback and out of compliance. Existing impervious coverage is 58.12%. We are planning an addition and would like to keep our carport and will need a variance for impervious cover as well as an exception for the carport.

Special Exception

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

- Carport was present when we bought the house in 2002 and we use it for vehicle coverage.
- Carport is part of fence and removing would change the look of the house as well as the privacy fence.
- Vehicle and foot traffic on street have grown significantly due to a growing commercial presence and the carport provides covered off street parking as well as a privacy buffer to the increased traffic.
- Lot is small 4163 sf and to comply with 40% impervious coverage we would need to remove most if not all walkways, driveways, and carport however we are required to maintain 2 off street parking spaces.

Special Exception

K2  
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(b) The hardship is not general to the area in which the property is located because:

Our lot was subdivided at some point so it is smaller than many other lots on the street however it is just barely over the 4000 sf size to qualify for small lot amnesty.

Special exception

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The carport and other impervious cover have been present for at least 15 years. The carport fits in with the character of the house and neighborhood.

Special exception

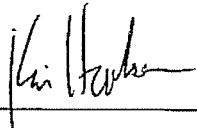
**PARKING:** (Additional criteria for parking variances only.)

NA

5/25/15

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1608 W 10th St

City, State & Zip Austin TX 78703

Printed Kris Hooker Phone 512-297-8451 Date 5/25/2015

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1608 W 10th St

City, State & Zip Austin TX. 78703

Printed Kris Hooker Phone 512-297-8451 Date 5/25/2015

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25-2-476 SPECIAL EXCEPTIONS.

(A) The Board of Adjustment shall grant a special exception for an existing residential structure, or portion of an existing structure, that violates a setback required under Chapter 25-2 (Zoning) if the board finds that the special exception meets the requirements of this section.

(B) The Board shall grant a special exception under Subsection (A) of this section if:

(1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;

(2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and

(3) the Board finds that:

(a) the violation has existed for:

(i) at least 25 years; or

(ii) at least 10 years, if the application for a special exception is submitted on or before June 6, 2016;

(b) the use is a permitted use or a nonconforming use;

(c) the structure does not share a lot with more than one other primary residence; and

(d) granting a special exception would not:

(i) alter the character of the area;

(ii) impair the use of adjacent property that is developed in compliance with city code;

or

(iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

(C) A special exception granted under this section:

(1) applies only to the structure, or portion of a structure, for which the special exception was granted and does not run with the land;

(2) may not authorize an increase in the degree of noncompliance or excuse compliance with minimum health and safety requirements; and

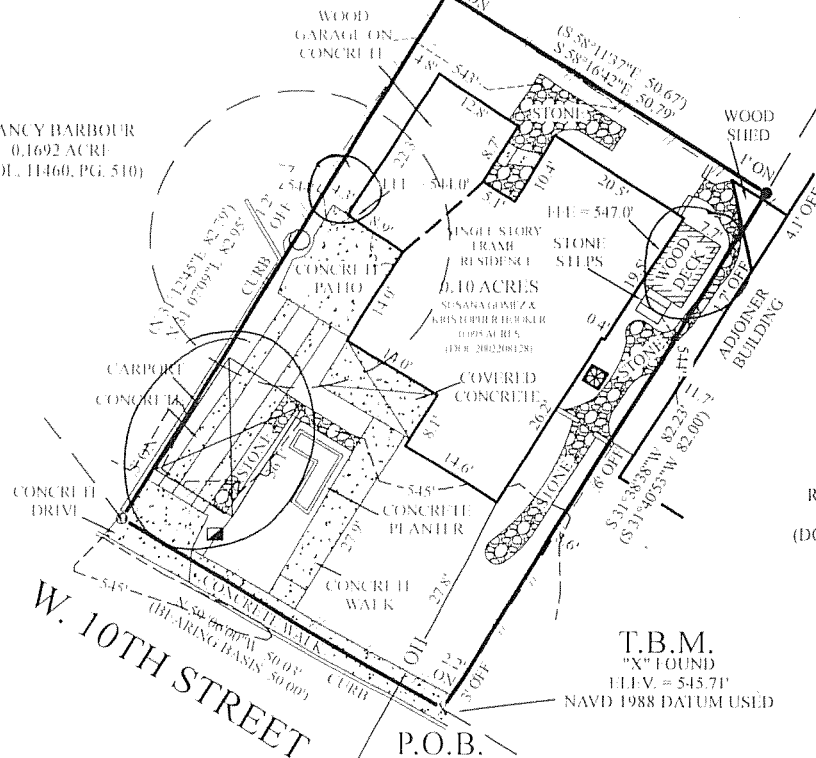
(3) may not authorize a remodel or addition to the existing structure, except to the extent required by the building official to meet minimum life and safety requirements.

(D) A structure granted a special exception under this section shall be treated as a non-complying structure under Chapter 25-2, Article 8 (Noncomplying Structures).

Source: Ord. 20110526-098; Ord. 20121108-091; Ord. 20130822-126.

JOHNNIE BOULDWIN  
0.476 ACRE  
VOL. 3872, PG. 254

NANCY BARBOUR  
0.1692 ACRE  
(VOL. 11460, PG. 510)



SCALE 1" = 20'

RICHARD HARDIN  
0.30 ACRE  
(DOC. NO. 2007219351)

T.B.M.  
"X" FOUND  
I.L.E.V. = 545.71'  
NAVD 1988 DATUM USED

#### LEGEND

- MAG NAIL FOUND
- 1/2" ROD FOUND
- X— "X" SCRIBE FOUND IN CONC
- ⊗ AIR CONDITIONER
- ( ) RECORD INFORMATION
- ⊠ WATER METER
- OH OVERHEAD UTILITY LINE(S)
- //— WOOD FENCE
- 15" / 10 5" P.C. CAN
- P.O.B. POINT OF BEGINNING

#### IMPERVIOUS COVERAGE CALCULATIONS

RESIDENCE 1,365.92 SQ. FT.  
CONCRETE PLANTER 12.19 SQ. FT.  
DRIVEWAY 183.22 SQ. FT.  
WOOD DECK 63 SQ. FT. 2 31.5 SQ. FT.  
CONCRETE WALK 191.37 SQ. FT.  
CONCRETE PATIO 156.27 SQ. FT.  
STONE 343.37 SQ. FT.  
COVERED CONCRETE 98.0 SQ. FT.  
MISC. CONCRETE 19.2 SQ. FT.  
WOOD SHED 11.72 SQ. FT.  
A/C 6.91 SQ. FT.

TOTAL IMPERVIOUS COVERAGE 2,419.47 SQ. FT.  
BOUNDARY 4,163.07 SQ. FT.

PERCENTAGE OF IMPERVIOUS COVERAGE 58.12%

#### RESTRICTIONS

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THIS SURVEYOR DID NOT RESEARCH THE DEED RECORDS TO PREVIOUS CONFLICTS IN TITLE, EASEMENTS AND/OR BOUNDARY LINE AGREEMENTS. THEREFORE, CERTAIN EASEMENTS MAY HAVE BEEN GRANTED WHICH ARE NOT REFLECTED HEREON. ONLY THOSE SETBACK LINES, EASEMENTS, BOUNDARY LINES AND INTERESTS WHICH ARE REPRESENTED ON THE PARENT SUBDIVISION PLAT, WHICH IS REFLECTED HEREON, ARE PLOTTED ON THIS SURVEY. NO DOCUMENTS OTHER THAN THOSE CITED ON THIS SURVEY HAVE BEEN EXAMINED.

BEING 0.10 OF AN ACRE OF LAND, BEING A PART OF LOT 15, OF A 250 ACRE SUBDIVISION OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING THAT CERTAIN SUSANA GOMEZ AND KRISTOPHER HOOKER 0.095 ACRE TRACT RECORDED IN DOCUMENT NUMBER 2002208128, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 0.10 OF AN ACRE OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

STREET ADDRESS 1608 W 10TH STREET






REFERENCE NAME SUSANA M. GOMEZ and KRISTOPHER S. HOOKER



THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD, AND HAS A ZONE "X" RATING AS SHOWN ON THE FLOOD INSURANCE RATE MAPS  
UTAH PLANNING BOARD 10/20/2012



## Legend

 Lot Lines Streets Building Footprints Named Creeks Lakes and Rivers Parks County

142/00

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF PROPERTY BOUNDARIES. THIS PRODUCT HAS BEEN PRODUCED BY THE CITY OF AUSTIN FOR THE SOLE PURPOSE OF GEOGRAPHIC REFERENCE. NO WARRANTY IS MADE BY THE CITY OF AUSTIN REGARDING SPECIFIC ACCURACY OR COMPLETENESS.



Application to Board of Adjustments for special exception to maintain existing carport and impervious coverage.

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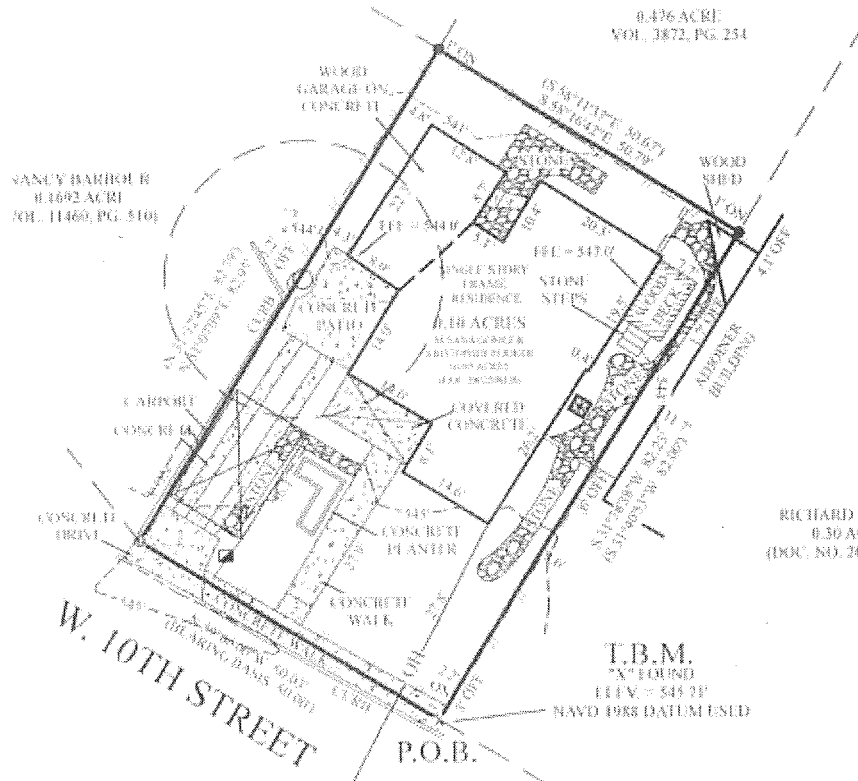
Special Exception for Existing Carport



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#### Reasonable Use:

- Carport was built before we bought the house in 2002.
- Current zoning requires the carport be set back 25' from front and 5' from side. The lot is very small at 4163 sf and with the home configuration a moving the carport to achieve compliance would not be possible.



#### Hardship:

- Carport provides vehicle shelter and buffer to busy street.
- On-street parking is very difficult with local restaurant parking overflow.
- Many small lots on street do not comply with setback regulations as it is not possible.

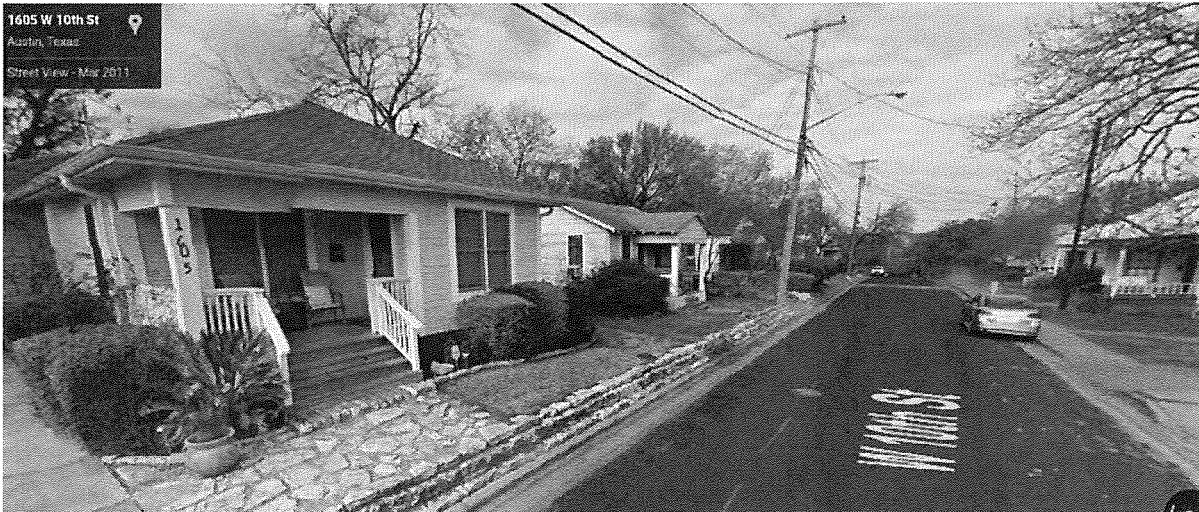
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Carport provides buffer and off-street parking to growing commercial business in the area



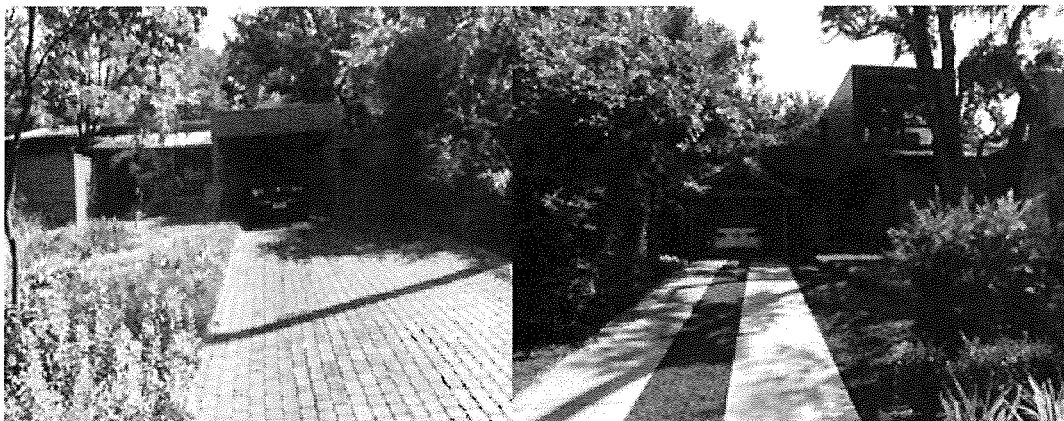
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Most houses on 10<sup>th</sup> street cannot comply with setback due to small size of lots



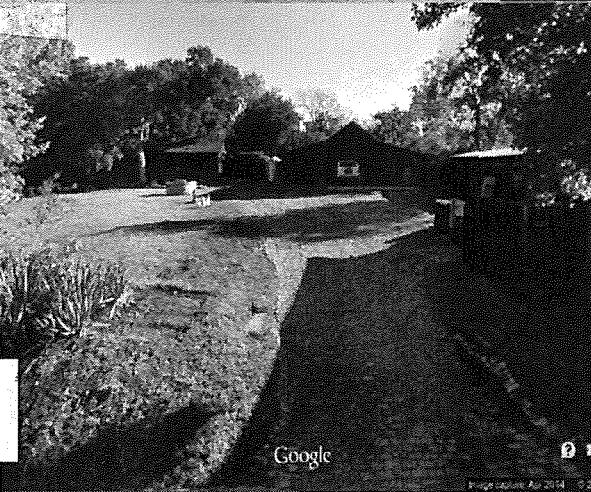
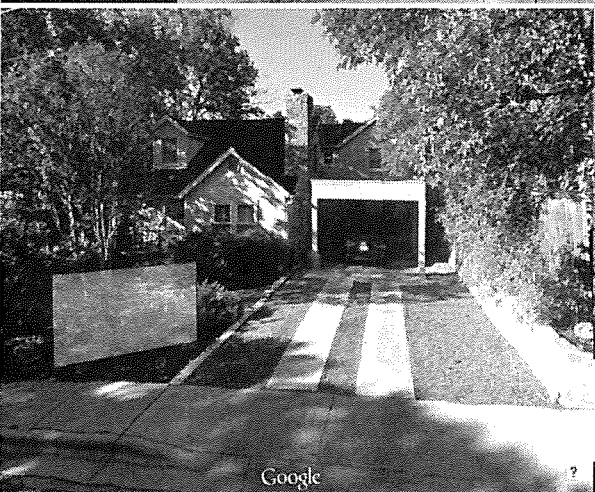
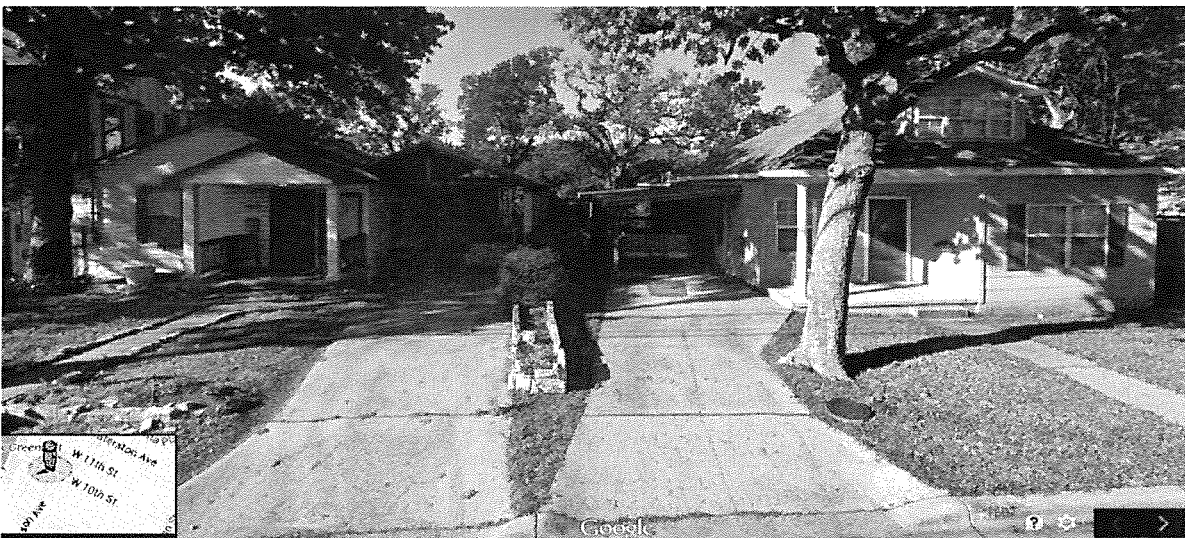
#### Area Character:

- Many houses throughout neighborhood have carports, both detached and attached some comply with setbacks and some do not.

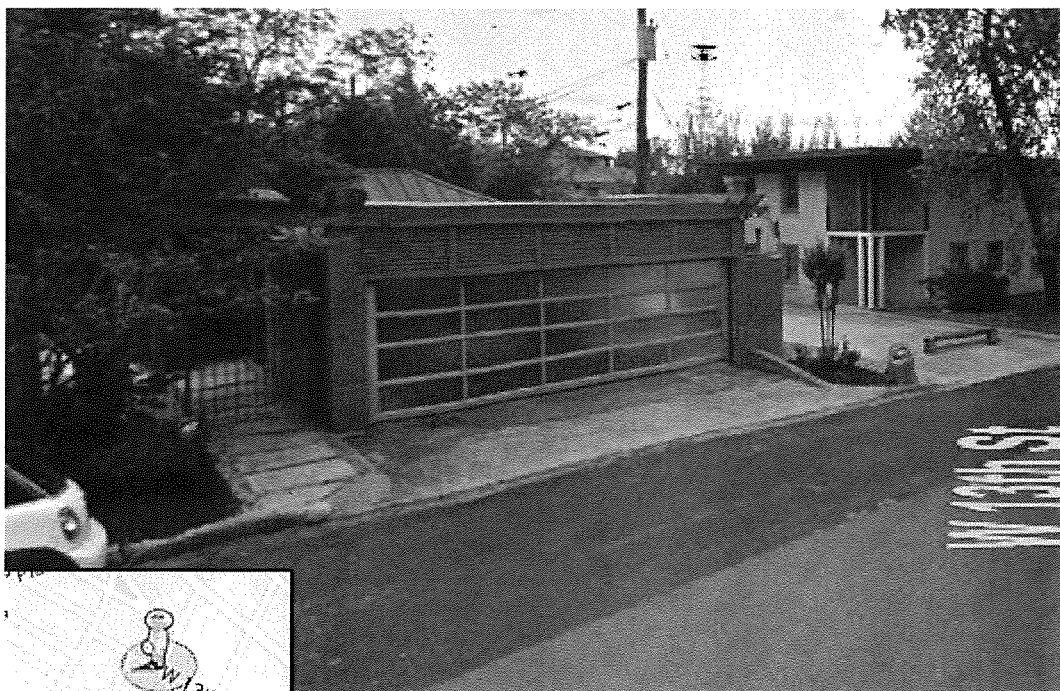




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# Neighborhood Support:

I am applying for a variance from the Board of Adjustment regarding Section 22-2-201 of the Local Development Code. The variance would allow me the ability to maintain my existing property as a residential structure.

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name	Address	Signature
John Anderson	1614 Palmer Place	[Signature]
Christine Pitt	1622 W 10th St	[Signature]
Sharon Miller	1704 W 10th	[Signature]
J. P. Smith	1705 W 10th	[Signature]
Michelle Kelso	1718 W 10th	[Signature]
Robert Backus	1716 W 10th	[Signature]

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Thomas Schirfer	1602 W 10th St	[Signature]
Frank Adams	1605 W 10th	[Signature]
Edna Huber	1606 W 11th St	[Signature]
Linda Baylor	1613 W 10th St	[Signature]
Caritha Baylor	1609 W 10th St	[Signature]
Ronnie Baylor	1622 W 10th St	[Signature]

CCDC Support

K2  
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**From:** Mary Reed [REDACTED]  
**Sent:** Thursday, May 21, 2015 5:55 AM  
**To:** Heldenfels, Leane  
**Cc:** Kris Hooker  
**Subject:** Variance Request Related to 1608 West 10th Street

To Whom it May Concern:

The board of directors of the Clarksville Community Development Corporation (CCDC) is the neighborhood organization for historic Clarksville, where 1608 West 10<sup>th</sup> Street is located. At its May 19<sup>th</sup> meeting, the board voted unanimously to support

Kris and Susana Hooker's variance request.

Please get in touch if you have any questions.

My Best,

Mary Reed

President, CCDC

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Mary Reed

MR•PR

1101 Charlotte Street

Austin, TX 78703

512 441 5212

[www.owana.org](http://www.owana.org)

<http://www.lincoln.org>

OWANA Support

- I met with OWANA board members on May 26<sup>th</sup> and they recommended support from neighbors in particular my immediate next door neighbor at 1610 W 10<sup>th</sup> st. I was not able to reach the owner Nancy Barbour in person who lives in Houston and uses the property for investment. I did write her a letter as recommended by OWANA however I have not received a response.

*Dear Nancy Barbour,*

*I am contacting you regarding your duplex on 1610 W 10<sup>th</sup> St Austin TX 78703. I am your next door neighbor at 1608 W 10<sup>th</sup> St and I am applying for a variance for my existing carport. My wife, Susana Gomez and I purchased the property in 2002 and the carport had been erected by the previous owner however he failed to get a permit. It is currently within the setback and I need to apply for a special exception through the board of adjustments to keep it. I am contacting all of my neighbors in hope of support or an understanding of any concerns. We use the carport and do not want to remove it. Please feel free to reach out by phone if you have questions and I would appreciate an email letting me know that you received this letter and if you support or not. Thanks very much for you time to read and respond!*

*Sincerely,*

*Your Austin neighbor,*

*Kris Hooker, Susana Gomez*

*1608 W 10<sup>th</sup> St Austin TX 78703*

*512 297 8451*



C15-2015-0095

**Heldenfels, Leane**

**From:** [REDACTED]  
**Sent:** Tuesday, June 30, 2015 10:31 PM  
**To:** Heldenfels, Leane  
**Cc:** 'kris hooker'  
**Subject:** RE: 1608 W. 10th Life Safety report

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Thanks Leane!

Yes, I had inspector check out both carport and side deck.

The garage has a final permit though - this was done in 1998. Here is the case information. Do I need a special exception on this?

If it all works out I can still do July hearing and send in my findings. Let me know.

**PERMITS/CASES**

#.	Permit/Case	Reference File Name	Description	Sub Type	Work Type	Project Name	Status	Related Folders
1	<u>1998-011712</u> <u>BP</u>	9804471	Garage Addition 218ft To Rear Of Ex Residence	R- 434 Addition & Alterations	Addition	1608 10 Street West A 00000	Final	<u>Yes</u>

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**From:** Heldenfels, Leane [mailto:Leane.Heldenfels@austintexas.gov]  
**Sent:** Tuesday, June 30, 2015 3:48 PM  
**To:** Kris Hooker  
**Subject:** FW: 1608 W. 10th Life Safety report

Yay – I sent your email questioning the prior permit and showing that the deck was on the life safety and he agreed to send it forward, no revised life safety permit ap needed –  
Leane

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**From:** Hernandez, Tony [PDRD]  
**Sent:** Tuesday, June 30, 2015 11:58 AM  
**To:** Heldenfels, Leane  
**Subject:** RE: 1608 W. 10th Life Safety report

As requested. Thanks

Respectfully,

Tony Hernandez  
Building Inspections Program Manager  
Development Services Department  
City of Austin, TX



## SPECIAL EXCEPTION INSPECTION

K2  
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Address:	1608 W 10th
Permit Number:	2015-057916
Property Owner Requesting Special Exception:	Kris Hooker

**Special Exception Requested:**

Carport encroaching into front and side yard setback / deck encroaching into side yard setback

Date Structure was originally constructed: verified COA, GIS 2003

Date of Inspection:	6-12-2015
Building Official or designated representative	Tony Hernandez
<b>X</b>	The granting of the variances requested will <u>Not</u> result in any hazard to the life, health or public safety for either the property for which the variance is requested or to an adjoining public or private property
	<p>The granting of the variances request will result in a hazard to the life, health or public safety of the either the property for which the variance is requested or to an adjoining public or private property. The following hazards related to the variance request were noted in this inspection:</p> <ol style="list-style-type: none"> <li>1.</li> </ol>